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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

- v. -

THOMAS GASSNOLA,
a/k/a "TJ,"

Defendant.

SEALED AFFIRMATION AND
APPLICATION

18 Cr. (VM)

18 CRIM 252

ELI J. MARK hereby affirms, under penalty of perjury and pursuant to Title 28, United States Code, Section 1746, that the following is true and correct:

1. I am an Assistant United States Attorney in the office of Geoffrey S. Berman, United States Attorney for the Southern District of New York, and I am familiar with this matter.

2. By this affirmation, the Government applies for an order of the Court directing that filings and other docket entries in the above-captioned case be filed under seal, including but not limited to the Information, the plea agreement between the parties, the transcript of his plea proceeding, and this application and proposed order, and that the case be captioned United States v. John Doe in the public docket.

3. On March 30, 2018 the defendant in the above-captioned case was presented before the Honorable Barbara Moses, United States Magistrate Judge for the Southern District of New

York, on an Information. The Information charges the defendant with a conspiracy to commit wire fraud by participating in a scheme to pay and conceal, including through false representations and pretenses, payments to the families of certain high school student-athletes in connection with the student-athletes' commitment to play basketball for certain NCAA Division I universities, between in or around 2015 and 2017, in violation of Title 18, United States Code, Section 1349.

4. Prior to being charged, the defendant participated in numerous proffer sessions during which he has disclosed his criminal activities and those of others. In particular, and in the course of those sessions, the defendant has provided the Government with detailed information concerning, among other things, the scheme charged in the Information and other, related schemes, including information regarding involving individuals and/or conduct that has not yet been charged. That information has proven reliable and has been corroborated by law enforcement investigation in connection with this case.

5. As noted above, certain of the information provided by the defendant pertains to individuals and/or conduct that is presently the subject of ongoing investigation. In addition, the Government anticipates that grand jury subpoenas may be issued based on information provided by the defendant,

and that information provided by the defendant may also be presented to a grand jury in this District for purposes of obtaining an indictment

6. Although there is a qualified right of public access to Court documents, the Second Circuit has recognized that documents may be filed under seal to, among other things, further ongoing law enforcement efforts, including grand jury investigations. See United States v. Cojab, 996 F.2d 1404, 1407-09 (2d Cir. 1993) (affirming sealing order); United States v. Haller, 837 F.2d 84, 88 (2d Cir. 1988) (affirming decision to seal that portion of a plea agreement that referred to a defendant's ongoing cooperation); see also Fed. R. Crim. Pro. 49.1(d) and (e) & advisory committee note (permitting a court to order filings to be made under seal, and explicitly listing, as examples, "motions for downward departure for substantial assistance" and "plea agreements indicating cooperation"). The Second Circuit has also recognized that even docketing the applications to seal those materials could be prejudicial, and in such cases the applications themselves and related notes to the docket could be sealed. See United States v. Alcantara, 396 F.3d 189, 200 n.8 (2d Cir. 2005).

7. The Government respectfully submits that law enforcement interests support the entry of an order directing that all documents and docket entries in this case be made under

seal until further order of the Court. Exposure of the defendant's cooperation would hinder law enforcement officials' ability to continue their investigation of individuals who have not yet been arrested and charges that have not yet been brought. An order sealing filings and other docket entries in the above-captioned case would greatly reduce the risk that the defendant's ongoing cooperation with the Government will be exposed.

8. The defendant's cooperation (and the charges against him) will not be kept sealed indefinitely, however. The Government anticipates that, once ongoing investigations based on the defendants' cooperation is completed, the filings in this case may be unsealed, and the docket sheet could reflect the true caption of this case. At that time, the Government will move this Court for an order unsealing the filings of this case, and restoring the true caption to the docket sheet.

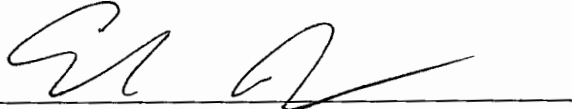
9. I have communicated with counsel for the defendant regarding this application; counsel and the defendant consent to this request.

10. No prior request for the relief set forth herein has been made.

11. Accordingly, the Government respectfully requests that filings and other docket entries in the above-captioned case, including this Affirmation and any order issued in

connection with it, be filed under seal, and that the case be captioned United States v. John Doe in the public docket, until further order of the Court.

Dated: New York, New York
March 30, 2018

A handwritten signature in black ink, appearing to read 'Eli J. Mark', written over a horizontal line.

Eli J. Mark
Assistant United States Attorney
Southern District of New York
(212) 637-2431